

REMARKS

The Examiner has imposed a restriction requirement under 35 U.S.C. § 121 and § 372 as follows:

Group I, claims 1-16, drawn to a method for producing a flat article;

Group II, claim 17, drawn to a storable molding material; and

Group III, claim 18, drawn to a flat article.

Applicants respectfully assert that under 37 CFR 1.475(b), claims 1-16 and 18 have unity of invention as a product and process specifically adapted for the manufacture of the product. Thus, applicants respectfully assert that the proper grouping should be Group I, claims 1-16 and 18, Group II, being claim 17. Additionally, Applicants have amended claim 17 to properly depend from claim 1 and such that claim 17 is no longer the proper subject matter of a unity of invention restriction, since the claim also finds unity of invention as a product and process.

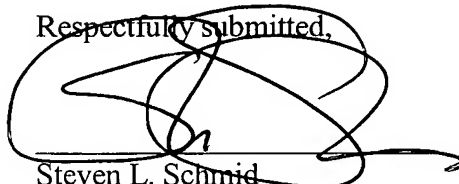
Applicants provisionally elect claims 1-18 asserting that the restrictions initially imposed by the Examiner are not properly subject to restriction. Applicants note that every restriction requires two aspects necessary to show distinctiveness between multiple inventions. First, the criteria or the relationship between the multiple inventions must be shown before they may be restricted and second, the PTO must show that the plural inventions impose a serious burden on the PTO before they may be restricted. Within the present restriction requirement, the PTO has not made a case for the distinctiveness between the inventions grouped. Instead, the PTO states that the inventions listed in Groups I-III do not relate to a single general inventive concept since they lack the same or corresponding technical feature. The PTO states that the special technical

feature is a storable molding material prepared by compounding an epoxidized ester and crosslinking agents and pre-crosslinking to form a moldable material. Furthermore, the PTO states that the special technical feature does not make a contribution over the prior art and thus is validating a holding of a lack of unity. Neither of these two assertions is a proper ground for issuing a restriction requirement. Furthermore, applicants respectfully point out that claims 17 and 18 depend from independent claim 1 and recite a product made by the process recited in claim 1. Clearly, the inventions recited in claims 17 and 18 are both dependent and related to that which is described in Group I, or claims 1-16.

Furthermore, the PTO has also imposed an election of species requirement as follows: (1) the epoxidized carboxylic acid ester(s) selected from page 6, lines 6-12 of the specification; (2) the crosslinking agent(s) selected from page 7, the last two paragraphs; or (3) the means of crosslinking involving thermal, radiation or both thermal and radiation of claim 9, wherein if radiation is chosen, the type of radiation is selected from UV, electron beam, IR or a combination thereof along with a UV initiator from page 8, lines 17-21. The PTO states that a single species must be elected if no generic claim is finally held to be allowable. Applicants note that the PTO states that claims 1-18 are generic. Thus, under MPEP 809.02(d) and as asserted by the PTO, all the claims in the present application are generic and therefore a valid species restriction cannot be maintained. Thus, applicants hereby provisionally elect claims 1-18.

Applicants look forward to full examination of claims 1-18. If the Examiner has any comment on this restriction response, he is invited to contact the listed attorney for further discussion thereof.

11/7/03
Date

Respectfully submitted,

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